



## **PLANNING COMMISSION AGENDA**

**Wednesday, July 26, 2006**

6:30 p.m. Regular Meeting  
Council Chambers, City Hall

200 East Santa Clara Street  
San Jose, California

**Bob Dhillon, Chair**  
**Xavier Campos, Vice-Chair**

**Dang T. Pham      James Zito**  
**Christopher Platten**  
**Ash Kalra      Matt Kamkar**

**Joseph Horwedel, Acting Director**  
**Planning, Building and Code Enforcement**

## NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

## NOTICE TO THE PUBLIC

Good evening, my name is **Bob Dhillon** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of ***Wednesday, July 26, 2006***. Please remember to turn off your cell phones and pagers. Parking ticket validation machines for the garage under City Hall are located at the rear of the Chambers. If you want to address the Commission, **fill out a speaker card (located on the table by the door or at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for this hearing is as follows:

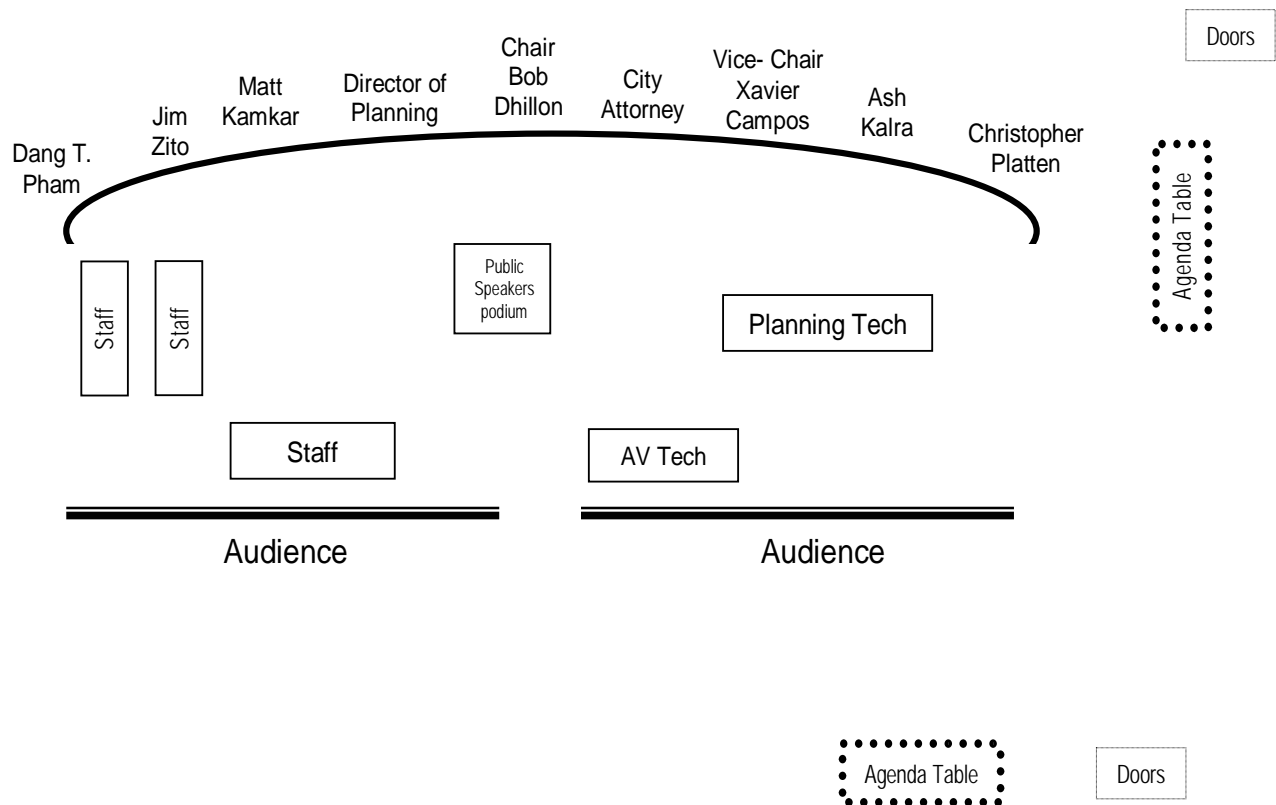
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

**If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.**

**The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items.** Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

**Note:** If you have any agenda questions, please contact Olga Guzman at [olga.guzman@sanjoseca.gov](mailto:olga.guzman@sanjoseca.gov)

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2<sup>nd</sup> and 4<sup>th</sup> Wednesday at 6:30 p.m., unless otherwise noted. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.sanjoseca.gov/planning/hearings/index.htm> Staff reports, etc. are also available on-line. If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

**AGENDA**  
**ORDER OF BUSINESS**

**1. ROLL CALL**

**2. DEFERRALS**

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table.

Staff will provide an update on the items for which deferral is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring these or any other items, you should say so at this time.

- a. **PDC05-030**. Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to: 1) allow up to 400 additional multi-family attached residences (1,601 total units if a second hotel is not built) or up to 210 additional dwelling units (1,411 total units if the second 190 room hotel is built); 2) allow an additional 15,000 square feet of retail/commercial space for a total of 695,000 square feet; 3) allow up to 20,000 square feet of currently permitted general retail/commercial space to be replaced with 20,000 square feet of restaurant space for a total of 115,200 square feet of restaurant/night club uses; and 4) reduction in required parking on the 40.79 gross acre Santana Row site, located on the southeast corner of Stevens Creek and South Winchester Boulevard (3055 OLIN AV) (FRIT San Jose Town & Country Village, LLC Owner/Developer). Council District 6. SNI: None. CEQA: Environmental Impact Report. Resolution No. 68210. Deferred from 6-14-06 and 7-12-06.

**DEFER TO 8-9-06**

**3. CONSENT CALENDAR**

**NOTICE TO THE PUBLIC**

**The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately.**

**Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please come to the podium at this time.**

- a. **CPA04-045-01**. Conditional Use Permit Amendment to amend the condition of a previously approved permit (File No. CP04-045) to allow outdoor entertainment, including background music, until 2:00am for an existing restaurant/bar on a 0.11 gross acre site in the DC Downtown Primary Commercial Zoning District, located at the southwest corner of South San Pedro and Post Streets (152 Post Street) (D M & D Property Inc, Owner). Council District 3. SNI: None. CEQA: Exempt.

**Staff Recommendation:**

Approve a Conditional Use Permit Amendment to amend the condition of a previously approved permit (File No. CP04-045) to allow outdoor entertainment, including background music, until 2:00am for an existing restaurant/bar as recommended by Staff.

**The following items are considered individually.**

**4. PUBLIC HEARINGS**

- a. **PDC05-082**. Planned Development Rezoning from CP Commercial Pedestrian and R-M Multiple Residence Zoning Districts to A(PD) Residential Zoning District to allow up to 19 single-family attached residences on a podium, on a 0.32 gross acre site, located on the west side of Meridian Avenue, approximately 300 feet south of Fruitdale Avenue (923 and 927 Meridian Avenue) (Gaazi, Llc Yaqoob I and Razia Y Bhimla, Owner). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration.

**Staff Recommendation:**

Consider the Mitigated Negative Declaration in accordance with CEQA. Recommend to the City Council approval of Planned Development Rezoning from CP Commercial Pedestrian and R-M Multiple Residence Zoning Districts to A(PD) Residential Zoning District to allow up to 19 single-family attached residences on a podium as recommended by Staff.

- b. **PDC05-078**. Planned Development Rezoning from CG General Commercial Zoning District to A(PD) Planned Development Zoning District to allow 38 single-family attached residences and associated improvements on a 0.81 gross acres site, located at/on the south side of Balbach Street, approximately 300 feet westerly of South Market Street (120 BALBACH ST) (Corotto Company Inc, Owner). Council District 3. SNI: Market/Almaden. CEQA: Mitigated Negative Declaration.

**Staff Recommendation:**

Consider the Mitigated Negative Declaration in accordance with CEQA. Recommend to the City Council approval of Planned Development Rezoning from CG General Commercial Zoning District to A(PD) Planned Development Zoning District to allow 38 single-family attached residences and associated improvements as recommended by Staff.

**5. PETITIONS AND COMMUNICATIONS**

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
1. Responding to statements made or questions posed by members of the public; or
  2. Requesting staff to report back on a matter at a subsequent meeting; or
  3. Directing staff to place the item on a future agenda.

**6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES**

**7. GOOD AND WELFARE**

- a. Report from City Council
- b. Commissioners' reports from Committees:
  - Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Campos).
  - Coyote Valley Specific Plan (Platten)
  - Evergreen East Hills Vision Strategy Task Force (Zito)
  - Parks Funding Subcommittee (Zito)
- c. Review of synopsis
- d. Add study session on General Plan for August 23, 2006.

**8. ADJOURNMENT**

## 2006 PLANNING COMMISSION MEETING SCHEDULE

Date	Time	Type of Meeting	Location
January 11	6:30 p.m.	Regular Meeting	Council Chambers
January 25	6:30 p.m.	Regular Meeting	Council Chambers
February 8	CANCELLED	Regular Meeting	Council Chambers
Thurs. February 16	6:30 p.m.	Regular Meeting	Council Chambers
February 22	6:30 p.m.	Regular Meeting	Council Chambers
March 8	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
March 22	5:00-6:20 p.m.	<i>Study Session</i>	T-332
Discussion of additional parkland and open space for the City ( <i>Joint session with Parks Commission</i> )			
March 22	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
April 12	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
April 26	6:30 p.m.	Regular Meeting	Council Chambers
May 3	5:00 p.m.	<i>Study Session</i>	T-1654
<i>Review Capital Improvement Program</i>			
May 3	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
May 24	CANCELLED	<i>Study Session</i>	T-332
<i>Joint study session with Parks Commission</i>			
May 24	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
May 31	CANCELLED	Regular Meeting	Council Chambers
June 5	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
June 14	6:30 p.m.	Regular Meeting	Council Chambers
June 28	6:30 p.m.	Regular Meeting	Council Chambers
July 12	6:30 p.m.	Regular Meeting	Council Chambers
July 26	6:30 p.m.	Regular Meeting	Council Chambers
August 9	5:00 p.m.	<i>Study Session</i>	T-1654
<i>Joint study session with Parks Commission</i>			
August 9	6:30 p.m.	Regular Meeting	Council Chambers
August 23	6:30 p.m.	Regular Meeting	Council Chambers
September 13	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
September 27	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
October 11	6:30 p.m.	Regular Meeting	Council Chambers
October 25	6:30 p.m.	Regular Meeting	Council Chambers
November 8	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
November 15	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
December 6	6:30 p.m.	Regular Meeting	Council Chambers